

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHELINE M. PIERRE,

Plaintiff,

-against-

UNITED STATES Federal Agency of Deposit
Insurance Corporation,

Defendant.

22-CV-8704 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this complaint together with an application seeking leave to proceed *in forma pauperis* (IFP). By order dated October 20, 2022, the Court noted that the IFP application was incomplete, and contained confusing and nonresponsive information. The Court granted Plaintiff leave to submit an amended IFP application or pay the \$402.00 in filing fees within 30 days. On November 16, 2022, the Court processed a check for this action, which purported to be from “attorney-at-law MuyasiMpiences PLLC.” The check was returned to the Court because it could not be cashed. Plaintiff did not submit an amended IFP application or complete payment of the fee, and on December 7, 2022, the Court administratively closed this action. (ECF 8.)

The Court indicated in the December 7, 2022 order that, if Plaintiff wished to reopen this action, she must, within 14 days, pay a \$53.00 returned check fee and either (1) submit an amended IFP application showing that she is unable to afford the cost of suit; or (2) pay the \$402.00 in filing fees, in cash or by money order.

On December 12, 2022, Plaintiff submitted a “Request for relevant papers purs. to the Administrative Procedures Act,” which did not include an IFP application. (ECF 9.) On December 16, 2022, Plaintiff submitted more documents, one of which was an IFP application. (ECF 10.)

As an initial matter, Plaintiff did not pay the \$53.00 returned check fee, which is a requirement for the case to proceed and is not waived by submission of an IFP application.

Second, Plaintiff's amended IFP application, (ECF 10), like her original IFP application, is incomplete and confusing. Several questions are unanswered, and some information in the amended application is inconsistent with the information provided in the original IFP application. For example, in response to a question about how much money she has in cash, or in a checking or savings account, she writes "N/A DUE TO ECONOMIC DISASTER "res ipsa loquitur" NON-PRISONER." (*Id.* at 9.) She states that her expenses are \$30,180/month." (*Id.*) In the original IFP application, she alleged that she earned \$16,000 (for an unspecified period) at a rate of \$1.00 hourly and that her expenses were "\$500,000 a qua[r]ter." (ECF1 at 1-2.)

Plaintiff's submissions (ECF 9-10) do not provide a basis for reopening this closed action, which was dismissed without prejudice. She has not paid the \$53.00 returned check fee, and the amended IFP application is incomplete and does not show whether she is unable to afford the cost of suit. The action therefore remains closed.

SO ORDERED.

Dated: February 9, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge